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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: H. MURAD

Application No.: 09/501,217

Group Art Unit: 1615

Filed: February 10, 2000

Examiner: L. Channavajjala

For: FRUIT EXTRACT COMPOSITIONS FOR
TREATING DERMATOLOGICAL
DISORDERS

Attorney Docket No.: 2267-017

RESPONSE TO OFFICE ACTIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 1, 2003, Applicant submits the following remarks for entry into the record and consideration by the Examiner.

REMARKS

Claims 1, 2, 4-9, 11-23, and 25-35 are pending in this application for the Examiner's review and consideration.

THE DOUBLE PATENTING REJECTION

Claims 1, 2, 4-9, 11-23, and 25-30 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of co-pending Application No. 09/501,218. As this is a provisional rejection, Applicants will address the rejection when either co-pending Application No. 09/501,218 or the present application is allowed.

THE PENDING REJECTION UNDER 35 U.S.C. § 103(a)

Claims 1, 2, 4-9, 11-23, 25-27, and 30-35 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,985,300 to Crotty *et al.* ("Crotty") in view of U.S. Patent No. 5,891,440 to Lansky ("Lansky") and U.S. Patent No. 5,169,630 to Okaya *et al.* ("Okaya") for the reasons set forth on page 3-5 of the Office Action. Applicant respectfully traverses the rejection.